<u>REMARKS</u>

This Amendment is submitted in response to the outstanding Office Action dated December 3, 2003 wherein the Examiner rejected claims 1,6,7,12,13 and 19 and objected claims 2-5, 8-11, 14-18 and 20-24 as being dependent upon rejected base claims. Claims 1,6,7,12,13 and 19 were rejected under 35 U.S.C 103a as being unpatentable over Mauldin et al. (U.S. Pat. No. 5,664,227) (hereinafter "Mauldin"). Reconsideration of these rejections in view of the following remarks is respectfully requested.

The rejection under 35 USC Section 103

In the December 3, 2003 Office Action, the Examiner rejected Claims 1,6,7,12,13 and 19 under 35 U.S.C. Section 103(a) as being unpatentable over Mauldin. The Applicants respectfully traverse the rejections of Claims 1,6,7,12,13 and 19 under 35 U.S.C. Section 103(a) on the grounds that the Examiner has not shown where the reference teaches or even suggests "identifying keywords within each line of said text, and, in response to identifying at least one of said keywords within a line of text, <u>classifying said line of text</u> as part of one or more classifications of said video signals that have been segmented into said at least one story segment."

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case

of obviousness. MPEP Section 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis is to deny patentability to a claimed invention is always upon the Patent Office. MPEP Section 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re *Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP Section 2142; In *re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992*)*; *In re Grabiak*, 769 F.2d 729, 733, 226 USPQ 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) <u>must teach or suggest all the claim limitations</u>. The teaching or suggestion to make the claimed invention and the reasonable expectation of success <u>must both be</u>

found in the prior art, and not be based on an applicant's disclosure. MPEP Section 2142. (emphasis added).

For the reasons set forth below Applicant respectfully submits that the Patent Office has not established a prima facie case of obviousness with respect to Claims 1,6,7,12,13 and 19 of the Applicant's invention. The Applicant respectfully asserts that the cited portions of the Mauldin reference do not teach or suggest "identifying keywords within each line of said text, and, in response to identifying at least one of said keywords within a line of text, classifying said line of text as part of one or more classifications of said video signals that have been segmented into said at least one story segment" as recited by Applicant's claims.

The Examiner stated that:

"Mauldin discloses the identifying and classifying keywords from text (col. 3, lines 20-31, 12, fig. 1, col. 4, lines 35-67, fig. 2, fig. 3, fig. 4, key frames identified from video signal, col. 5, lines 16-59, col. 6, lines 15-24, col. 7, lines 1-10). Mauldin does not explicitly disclose the identifying and classifying keywords "from within each line of the text". However Mauldin discloses the video contents (text, video, and audio data) paragraphing, and identifying keywords from text paragraphs, see (col. 5, lines 16-44, col. 3, lines 20-31). The text paragraphs include a multiple lines of text. Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include the identifying and classifying keywords "from within each line of the text" in the system of Mauldin to identify keywords from each line of text. Because text classifier parses each line of text to identify keyword for every single text line.." (emphasis added).

Applicant respectfully submits that these sections do not teach or suggest identifying at least one of said keywords within a line of text and classifying said line of text as part of one or more

classifications. Although the Examiner seems to be citing this reference for keyword identification and stating that it would have been obvious to identify and classify keywords from within each line of text, Applicant respectfully submits that the Examiner has not shown where it teaches identifying a keyword in a line of text and then classifying the line of text as part of one or more classifications.

As explained in Applicant's background of the invention,

"Currently, when video segmented stories are classified according to keywords, the analysis is based upon the assumption that the detection and required frequency of specified keywords in the segment provides an indication that the whole segment can be categorized by a single set of key words. In actuality, there is a high probability that the frequency of appearance of specific keywords may change with time across a broadcast segment even when the video criteria for story segmentation are satisfied." (Specification page 3, lines 15-page 4, line 1).

Applicants overcame this problem by identifying keywords within lines of text and then classifying the lines of text as either part of a classification (e.g. a crime segment, or a sports segment) or not part of a classification. As Applicants explained in their specification the

"text classifier 275 determines that lines one through six in a story segment are classified in a crime story category. Line one through line six each contains at least one keyword from the crime story category. Text classifier 275 also determines that lines seven through fifteen are classified in a sports story category. Line seven through line fifteen each contain at least one keyword from the sports story category but contain no keywords from the crime story category." (Specification page 19, lines 17 page 20, line 2.)

The cited portions of Mauldin operate on the entire video segment approach which has the inadequacies associated with

classifying an entire paragraph when only a portion of the paragraph belongs to a specific classification. It also would not have been obvious to classify line by line because the cited portions of Mauldin teache identifying <u>video</u> paragraphs by monitoring the video (see col. 5, line 31 "content-based video paragraphing methods" and lines 50-55 where it states that it monitors the coding coefficients of the DCT for identifying the keyframes of each video paragraph.") These are not textual paragraphs. At the cited portions of Mauldin in Col. 3 it just shows "identifying keywords contained in the transcribed audio data." (Col. 3, lines 25-30). It does not teach or suggest identifying a keyword in a line, and then classifying that particular line in response to the identification of the keyword as either being part of a particular segment or not. Accordingly, Applicants respectfully submit that the patent office has not satisfied its obligations under 35 USC Section 103 by showing all claim limitations in the prior art.

Accordingly, the Applicant respectfully requests that these claims 1,6,7,12,13 and 19 be passed to allowance along with their associated dependent claims for being dependent upon new allowable base claims. Entry of this Amendment reconsideration of these rejections and allowance of all the claims is respectfully requested.

If any issues arise, or if the Examiner has any suggestion for expediting allowance of this Application, the

Applicant respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at Laurie.Gathman@Philips.com.

Respectfully submitted,

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On _March 1, 2004_

By _Patta Sanchez_